

EXHIBIT A

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GrubHub sued over menu prices

By: [John Pletz](#) May 18, 2011

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(Crain's) — GrubHub Inc. is being sued by a Chicago law firm that contends the online food-ordering website is violating consumer-fraud statutes because some restaurants charge higher prices to customers without disclosing it.

In its suit filed Tuesday in Cook County Circuit Court, Edelson McGuire LLC points to Cory Miller, who said he ordered a meal from Pompei Pizza on Sept. 3, 2009, and later discovered he was charged \$1 more for fettuccini alfredo with chicken from the menu on GrubHub's site than Pompei's internal menu. GrubHub's website, however, said its service is free.

Both GrubHub and Pompei are named in the suit.

GrubHub denied the allegations but declined to comment on the specifics of the suit.

"While we strive to be 100% accurate, we also recognize that there are instances where a restaurant may not have notified us of menu changes or updates," the company said in a statement. "To help us better maintain the menus listed on the site, diners and restaurant owners can report any discrepancy they see."

Other Chicago-based coupon websites have also been taken to court for alleged fraud. Edelson McGuire sued Groupon Inc. a year ago over Illinois laws regarding expiration policies. The Chicago-based daily-deal service settled the suit for undisclosed terms.

It's not clear how many restaurants boost their prices for customers who order through GrubHub, nor is it clear whether GrubHub is liable if some restaurants charge higher fees. GrubHub doesn't charge consumers to use its site but gets a cut from restaurants of the value of orders placed through GrubHub.com.

GrubHub's competitor Seamless Web requires restaurants to charge the same prices online as in the restaurants, notes William Gray, the Edelson McGuire lawyer who filed the suit. His firm hopes to get GrubHub to drop its claim that it doesn't charge higher fees for online ordering, and to recover damages for all customers who have been charged higher prices than those who ordered from restaurants directly.

GrubHub is one of Chicago's fastest-growing online startups, raising more than \$30 million from investors since November.

It isn't the first to be accused of a less-than transparent offer. Groupon was criticized for a Valentine's Day offer for flowers from FTD that disgruntled customers said penalized Groupon customers. The deal offered \$20 off flowers and instructed Groupon users to a special FTD link. That link, however, showed prices that were \$10 higher than special pricing offered on FTD's regular website. Customers also complained of shorter delivery windows and hidden service fees. Groupon scrambled to correct the issue and in the end got FTD to honor the lower pricing and refunded customers the difference if they paid more.

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